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SUBJECT: MEDIA COVERAGE OF BIZIMUNGU TRIAL REFLECTS  
DIVERGENT VIEWS OF JUDICIARY

REF: A. KIGALI 168  
[1](#)B. KIGALI 54

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[1](#)1. (U) Summary: Local and international media provided mixed commentary on the Bizimungu verdict announced February 17 (reftel). While some lauded the long-awaited decision of the Rwandan Supreme Court as a positive development in Rwanda's judicial reform process and an example of the judiciary's independence, others criticized the trial and outcome as politically motivated. Others simply reported the facts of the decision, as announced by the Court, without further comment on the decision itself or the merits of the case. End summary.

#### Evidence Cited by Court

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[1](#)2. (U) Pro-government newspaper "The New Times" (TNT) detailed the basis of the Supreme Court's decision to uphold the lower court's guilty verdict and 15-year sentence on former President Bizimungu. The newspaper quoted Court President Aloysie Cyanzayire as stating during sentencing that Bizimungu will serve 15 years total (the maximum 10-year sentence for the additional conviction of treason and the five-year sentence for his prior conviction of embezzlement). The sentence on the treason conviction will run concurrently with his prior five-year sentence for formation of a criminal association and five-year sentence for incitement of civil disobedience.

[1](#)3. (U) According to TNT, Cyanzayire cited the most aggravating factor supporting the charge of treason as Bizimungu's 2001 interview with French weekly magazine "Jeune Afrique," in which he stated that "The Rwandan army top brass is comprised 100 percent of Tutsis, while Hutus make up 85 percent of the population, and in ten to fifteen years Hutus will again take up arms and lure Tutsis out of the country." Additional evidence cited by Cyanzayire included two letters found in Bizimungu's residence that were written by self-exiled renegade Rwandan Army Major Alphonse Furuma and addressed to President Kagame and Papal Nuncio that were critical of the RPF.

[1](#)4. (U) Government-owned "Radio Rwanda" similarly reported the facts of the Supreme Court's decision but did not provide any comment on the decision or the merits of the case. It stated only that the Court affirmed the 15-year jail sentence of Bizimungu, who was found guilty of "treason, spreading malicious rumors aimed at inciting the

public against the government, and creating a criminal association." It also reported that his co-defendant, former Minister of Transport Charles Ntakirutinka was sentenced to ten years, while the other co-defendants were acquitted of all charges and ordered immediately released.

#### Positive Sign of Judicial Independence

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¶5. (U) In contrast, independent radio "Contact FM" praised the Court's decision to acquit the six co-defendants, who were tried jointly with Bizimungu and Ntakirutinka, as a positive sign demonstrating the independence of the Rwandan judiciary. (Note: The 2003 Constitution established the Rwandan judiciary as a separate branch of government. End note.)

#### Criticisms of Political Motivation

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¶6. (U) Other independent media, however, took a more critical view of the Court's decision. Independent "Radio France International" (RFI) commented that the Court's decision to uphold Bizimungu's conviction was not only a serious decision with consequences for Bizimungu but a warning for anyone considering challenging the ruling RPF, as did the former president in attempting to create an independent political party. Agence France Press (AFP) commented that Bizimungu was a prisoner of his own views. It dismissed his trial as purely politics and said that the verdict must be viewed in that context.

¶7. (U) BBC reporter Geoffrey Mutagoma observed that the courtroom was so packed that it was difficult to see Bizimungu's reaction as the court upheld his conviction.

Ntakirutinka's wife told BBC afterwards that she was not surprised by the decision, while another person who was interviewed by Mutagoma viewed the trial as demonstrating that the Rwandan judiciary had matured.

¶8. (SBU) Former Prime Minister Celestin Rwigema, living in exile in the U.S., dismissed the trial as "du theater" (a theatrical farce) during an interview with VOA. Contrary to those who regarded the decision as a reflection of the judiciary's independence, he remarked that it shows that the "Rwandan judiciary is not free and works under the RPF and President Kagame."

¶9. (SBU) Jean Paul Turinzwenamungu, Executive Secretary of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR), Rwanda's largest human rights NGO, also regarded the verdict as "politically motivated" rather than independent. He pointed out that the January 17 postponement of the decision for no reason was an indication that the Supreme Court was not sufficiently independent to render its own decision. (Note: On January 17, the Supreme Court clearly stated its reason for the postponement as a need for additional time to carefully review and document the voluminous facts of the case (ref B)). He said that by convicting Bizimungu of criminal association, affirming the lower court's decision despite the prosecution's failure to provide sufficient evidence to sustain the conviction, the Supreme Court demonstrated lack of independence. Turinzwenamungu attributed the absence of loud public outcry over the verdict to self-censorship among civil society, which otherwise would have mobilized and put pressure on the GOR.

¶10. (SBU) Francine Rutazana, Executive Secretary of the League of Human Rights for the Great Lakes Region (LDGL), a regional NGO based in Kigali, shared LIPRODHOR's view of the verdict as "highly politically motivated." She believed that Bizimungu's arrest was motivated by his intended candidacy for the 2003 presidential elections. She expressed disappointment over the Supreme Court's lack of independence and perspicacity, and questioned the Court's decision to let the former president suffer unjustly in

prison. She added that LDGL was afraid to publicly criticize the Supreme Court and preferred to exercise self-censorship.

Comment

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¶11. (SBU) The four-hour proceeding was conducted in a calm, orderly, meticulous manner, with a detailed recounting of the facts of each case, followed by a lengthy reading of each defendant's verdict and sentence (ref A). While observers generally commented that Friday's court proceeding appeared more organized and procedurally transparent than the lower court's 2004 proceeding, the range of commentary from local and international media based in Rwanda reflects the ongoing divergence of opinion over the initial charges on which Bizimungu and Ntakirutinka were accused and convicted.